

S.R. 437 - By Turner: Congratulating Mr. and Mrs. Hugh Duckworth of Thrall on the occasion of their 59th wedding anniversary.

S.R. 438 - By Turner: Congratulating Mr. and Mrs. Irvin Peterson on the occasion of their 51st wedding anniversary.

S.R. 439 - By Turner: Congratulating Mr. and Mrs. Robert Wayne Mann on the occasion of their 50th wedding anniversary.

S.R. 440 - By Turner: Congratulating Mr. and Mrs. Melvin Prescott of Madisonville on the occasion of their 50th wedding anniversary.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:10 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 16, 1993

NATURAL RESOURCES — C.S.S.B. 441, C.S.S.B. 586, C.S.S.B. 587

JURISPRUDENCE — S.B. 232, C.S.S.B. 475, C.S.S.B. 424, C.S.S.B. 512, S.B. 548 (Amended), C.S.S.B. 596

CRIMINAL JUSTICE — S.B. 477 (Amended), S.B. 256, S.B. 16, S.B. 12, S.B. 145, S.B. 473, S.B. 175, S.B. 40, C.S.S.B. 147

ADMINISTRATION — S.R. 426

SENT TO GOVERNOR

(March 16, 1993)

S.C.R. 11

S.C.R. 21

S.C.R. 34

S.C.R. 36

S.C.R. 37

S.B. 124

S.B. 501

THIRTY-THIRD DAY

(Wednesday, March 17, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend David Lanagan, St. Mark's United Methodist Church, Houston, offered the invocation as follows:

We never come here, O God, that we are not aware of the ghost of our predecessors and the challenge of our future, for as we arrive here, we arrive with big shoes to fill. Nevertheless, we have brought our own shoes, and we are ready for the challenges that confront us. We ask today, O God, Your blessings on all of those who stand in this chamber to give their lives for Texas, challenged by the history of their predecessors and confronted with immense problems. We pray for vision and for wisdom for them as they come here. We ask for Your blessings on the daily task of living our lives in more successful ways. We ask that You would give these who come here wisdom, the luck of the Irish in finding funding and answers, and the wisdom of Solomon in dividing rightly the resources that they find. Help them to make law and policy not so much in reaction as in action. Bless them as they run the course that is before them. In this moment of silence we remember those who are in Waco, on both sides of the issue, and we ask for reason and concord and wisdom for all of them as they bring things to a successful conclusion. Help each one who has come here to stand for something great. For we ask it in the name of He who gave us the chance to do something significant. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Zaffirini and by unanimous consent, Senator Armbrister will be shown as Co-author of S.B. 1.

CO-AUTHOR OF SENATE BILL 232

On motion of Senator Madla and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 232.

CO-AUTHOR OF SENATE BILL 424

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 424.

CO-AUTHOR OF SENATE BILL 457

On motion of Senator Bivins and by unanimous consent, Senator Nelson will be shown as Co-author of S.B. 457.

CO-AUTHOR OF SENATE BILL 948

On motion of Senator Wentworth and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 948.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1266	S.B. 1272
S.B. 1267	S.B. 1273
S.B. 1268	S.B. 1274
S.B. 1269	S.B. 1275
S.B. 1270	S.B. 1276
S.B. 1271	

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 55 by Luna Administration
Granting Herman B. Taylor Construction Company permission to sue the State of Texas and Texas Southern University.

S.B. 1266 by Armbrister Finance
Relating to the application of the professional prosecutors law to the county attorney of Fayette County.

S.B. 1267 by Bivins, Lucio, Ratliff Economic Development
Relating to exemplary damages in certain civil suits.

S.B. 1268 by Henderson Intergovernmental Relations
Relating to elections concerning zoning issues in home-rule municipalities.

S.B. 1269 by Madla Jurisprudence
Relating to requirements for certain documents to be filed or recorded with and certain fees charged by county clerks.

S.B. 1270 by Bivins Criminal Justice
Relating to the seizure, forfeiture, and disposition of contraband used in the commission of certain offenses under the Parks and Wildlife Code; providing immunity for certain department employees.

S.B. 1271 by Montford Finance
Relating to the establishment of an intercept program to increase the credit rating of certain local government debt and authorizing the comptroller of public accounts to withhold local government funds to pay such obligations under certain circumstances.

S.B. 1272 by Montford Finance
Relating to the allocation and reservation system for private activity bonds and to the definition of certain bonds.

S.B. 1273 by Montford Finance
Relating to the issuance of obligations and the execution of credit agreements in relation thereto.

S.B. 1274 by Carriker Criminal Justice
Relating to the authority of the Parks and Wildlife Department to establish a checkpoint on a public highway to determine whether a person possesses a wildlife resource in violation of the Parks and Wildlife Code.

S.B. 1275 by Carriker State Affairs
Relating to the regulation of auctioneers.

S.B. 1276 by Truan, Madla, Armbrister Jurisprudence
Relating to the terms of court of the 36th Judicial District of Texas.

MESSAGE FROM THE HOUSE

House Chamber
March 17, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 119, Relating to counseling as a condition of probation for a person who commits family violence.

H.B. 261, Relating to the requirement of corroboration of testimony in the prosecution of certain offenses.

H.B. 294, Relating to the liability of certain governmental employees for acts or omissions in connection with inmate work programs and community service projects.

H.B. 415, Relating to rights and remedies under The Securities Act.

H.B. 564, Relating to write-in candidacy in certain water district elections.

H.B. 864, Relating to work programs for inmates confined in county jail awaiting transfer to the institutional division of the Texas Department of Criminal Justice.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

S.B. 238
S.C.R. 45
H.C.R. 26

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Wei-Ann Lin of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Lin and thanked her for her participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(Senator Barrientos in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 485 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 485, Relating to training for members of the governing boards of institutions of higher education.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 485**, page 1, line 41 by adding after the period the following:

"A seminar participant shall pay from private funds the fee required by this subsection and the participant's costs of travel, including transportation, lodging and meals. Neither the fee required by this subsection nor a seminar participant's travel costs shall be reimbursed from public funds, other than grants and donations of private funds available for that purpose."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 485 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 485** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 175 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 175, Relating to the authority of the Commission on Jail Standards to regulate the temporary housing of county inmates in certain facilities to alleviate overcrowding in county jails.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend S.B. 175 by adding an appropriately numbered section to read as follows:

SECTION _____. Subchapter A, Chapter 351, Local Government Code, is amended by adding Section 351.0036 to read as follows:

Sec. 351.0036. HOUSING OF CORRECTIONAL PROGRAM PARTICIPANTS.

(a) Notwithstanding the requirements contained in Section 351.0035, the Commission on Jail Standards is hereby authorized to adopt rules governing the temporary housing of prisoners in connection with specific correctional programs, which include work camps, wilderness camps, forestry camps or boot camps.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 175 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 175 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 243 ON SECOND READING

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 243, Relating to a fee to finance security services for buildings housing a district or county court.

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up S.B. 243 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Dallas, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Harris of Tarrant, Henderson, Parker, Shelley, Sibley.

Absent: Whitmire.

The bill was read second time.

Senator Leedom offered the following committee amendment to the bill:

Amend S.B. 243 as follows:

On page 1, line 8, delete the amount "\$5" and insert in its place "\$10".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Carriker, Truan, Luna, Ellis, Parker, Sibley, Harris of Tarrant, Shelley, Henderson and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MESSAGE FROM THE HOUSE

House Chamber

March 17, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 336, Relating to prohibiting certain extensions of credit by retail stores owned or operated by public institutions of higher education.

Respectfully,

BETTY MURRAY, Chief Clerk

House of Representatives

COMMITTEE SUBSTITUTE

SENATE BILL 475 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 475, Relating to the availability to a defendant of certain materials obtained through a crime stoppers advisory program or a local crime stoppers program and to the certification of local crime stoppers programs to receive certain payments from defendants.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 475 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 475 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 473 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 473, Relating to training for persons licensed by the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 473 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 473** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE**SENATE BILL 502 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 502, Relating to certain powers and duties of the State Soil and Water Conservation Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 502 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 502** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 503 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 503, Relating to certain pollution control and to soil and water conservation land improvement measures.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 503 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 503 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Minnie Dora Haynes, serving as a Senate Page for today. She is the daughter of J. J. and Minnie Dora Haynes.

The Senate welcomed its guest.

SENATE BILL 830 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 830, Relating to runoff election dates for certain political subdivisions.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 830 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 830 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Parker, Rosson, Sims, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Leedom, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Wentworth.

SENATE BILL 666 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 666, Relating to the cancellation of an application for an early voting ballot to be voted by mail.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 666 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 666 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Harris of Dallas and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider S.B. 753 today.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:11 p.m. adjourned, in memory of Lieutenant Commander James Robert Segars, until 9:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 16, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 471, S.B. 377, S.J.R. 14

March 17, 1993

FINANCE — C.S.S.B. 618

STATE AFFAIRS — C.S.S.B. 55, C.S.S.B. 726, C.S.S.B. 452, S.B. 327, S.B. 606

**SENT TO GOVERNOR
(March 17, 1993)**

S.C.R. 45

S.B. 238

S.B. 278

**In Memory
of**

Lieutenant Commander James Robert Segars

Senator Patterson offered the following resolution:

(Senate Resolution 358)

WHEREAS, Lieutenant Commander James Robert Segars of the United States Naval Reserve died tragically in the crash of his F-14 Tomcat jet fighter on December 23, 1992; and

WHEREAS, The Senate of the State of Texas joins with his family and friends and the citizens of the entire state in mourning the painful loss of this gallant Texas hero; and

WHEREAS, The former Marine Corps officer had been with the Naval Reserve program at the Dallas Naval Air Station since 1988 where he served with distinction as Administrative Officer of Fighter Squadron 201; and

WHEREAS, Commander Segars is remembered for his enthusiasm for life and his pursuit of excellence in all his endeavors; and

WHEREAS, He shared his life with others in many ways: his love of flying, his knowledge of computers, his creativeness in photography, and his love of God; and

WHEREAS, A native of Galveston County, Texas, Commander Segars graduated from Stephen F. Austin State University with a bachelor of science degree in history and physical education in 1972; he taught in the Hitchcock Independent School District for one year before joining the United States Marine Corps in 1973; and

WHEREAS, As a member of Marine Fighter Squadron 333, the gallant officer was the first Marine and the second aviator to achieve 100 traps on the USS Nimitz's first tour; and

WHEREAS, He began his reservist career in 1987 and graduated from the Navy Fighter Weapons School as a TOPGUN in 1980 and flew 2,600 hours in the F-4; and

WHEREAS, Throughout his distinguished military career, Commander Segars displayed exceptional leadership, managerial skill, and meticulous attention to detail in the execution of his duties; and

WHEREAS, The recipient of various military medals in recognition of his meritorious contributions, Commander Segars was awarded the Navy Achievement Medal posthumously for his professional performance, initiative, and devotion to duty; and

WHEREAS, His service to his country was marked by true fidelity and allegiance; his supreme sacrifice will constantly remind others of his deep devotion to those ideals Americans revere; and

WHEREAS, As a teacher and coach at Bowman and Schimelpfenig middle schools in Plano, Commander Segars served in an administrative position and volunteered to teach computer inservice training; and

WHEREAS, The devout Christian layman taught religious education to confirmation classes at Saint Elizabeth Seton Catholic Church and Saint Jude's Catholic Church as well as adult Bible classes; and

WHEREAS, Commander Segars was a loyal friend, dedicated teacher, and exemplary Marine; his cherished memory will remain forever in the hearts and minds of all those who knew and loved him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to the family of James Robert Segars; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Lieutenant Commander James Robert Segars.

The resolution was previously read and adopted on Tuesday, March 2, 1993.

On motion of Senator Ratliff and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.